

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. GUS ARAGON

CASE NO. C20150346

COURT REPORTER: Cynthia McDevitt  
Courtroom - 814

DATE: February 04, 2015

DEBRA ARRETT and  
SHIRLEY LAMONNA  
Plaintiffs

William J. Risner, Esq. counsel for Debra Arrett  
and Shirley Lamonna

VS.

JULIE K BOWER  
Defendant

Patricia Ronan, Esq. and Tobin C. Sidles, Esq.  
counsel for Defendant

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**MINUTE ENTRY**

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**ORDER TO SHOW CAUSE**

All parties are present.

Ms. Ronan provides the Court with a Motion to Dismiss/Motion for Summary Judgment filed previously and makes statements to the Court.

Mr. Risner advises that he has exhibits and testimony he wishes to offer to the Court this date.

The Court advises that it shall hold the Defendant's Motion to Dismiss/ Motion for Summary Judgment in abeyance at this time.

Ms. Ronan objects to proceeding with evidence this date and argues to the Court regarding the hearing set this date relating only to scheduling matters.

Mr. Risner argues to the Court.

IT IS ORDERED that over the objection of the defendant, the hearing set this date shall proceed with testimony and evidence.

**FOR THE PLAINTIFF:**

Plaintiff's Exhibits 1, being Threshold Statement, is identified and admitted.

Plaintiff's Exhibit 2, being Application for Initiative, is identified and admitted.

Plaintiff's Exhibit 3, being Receipt, is identified and admitted.

Plaintiff's Exhibit 4, being Copy of Referendum Petition Receipt, is identified and admitted.

Plaintiff's Exhibit 5, being Copy of Blank Referendum Description, is identified and admitted.

Julie Bower is sworn, examined under the rule, cross-examined and excused.

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Charles Bagy  
Deputy Clerk

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Defendant's Exhibit A, being E-mail dated December 16, 2014, is identified.

Defendant's Exhibit B, being E-mail dated December 9, 2014, is identified and admitted.

Defendant's Exhibit C, being Copy of Legal Services Form, is identified and admitted.

Defendant's Exhibit D, being Secretary of State Handbook, is identified and admitted.

Shirley Lamonna is sworn, examined, cross-examined and excused.

Mr. Risner argues to the Court regarding the Defendant's Motion to Dismiss.

The Court stands at recess until 1:00 PM this date.

**LATER SAME DATE, IN COURT:**

Same parties present.

The Court questioned Mr. Risner regarding the Defendant's Motion to Dismiss and whether Mr. Risner wishes to respond to said motion in writing.

Mr. Risner provides the Court with a copy of Plaintiff's Memorandum of Law and files it in Open Court.

Mr. Risner argues to the Court that filing this action causes a stay in this matter.

Ms. Ronan argues to the Court.

The Court advises that it shall consider this matter as submitted on the merits of the testimony and evidence already submitted.

The Court will address the merits of the case based upon the evidence provided and the memoranda provided to the Court.

The Court will consider the memoranda the plaintiff has submitted this date in Court which Mr. Risner has referred to this date as a trial memoranda.

Both parties stipulate that this matter should be decided by the bench and not by a jury.

The Court advises that it shall not grant a stay in this matter at this time.

The Court takes this matter UNDER ADVISEMENT.

As to the Defendant's Motion to Dismiss/Summary Judgment:

For reasons set forth on the record,

IT IS ORDERED that the Defendant's Motion to Dismiss is DENIED.

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Charles Bagy  
Deputy Clerk

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THE COURT FINDS that no automatic stay is triggered by the filing of this action and declines to order that the Town of Oro Valley delay any action on the challenged purchase of land.

FILED IN COURT: Plaintiff's Memorandum of Law

cc: Hon. Gus Aragon  
Patricia Ronan, Esq.  
Tobin C. Sidles, Esq.  
William J. Risner, Esq.  
Clerk of Court - Under Advisement Clerk

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Charles Bagy  
Deputy Clerk